

In re Application of: Zion AZAR et al.
Serial No.: 10/802,390
Filed: March 17, 2004
Advisory Action Mailed: September 1, 2009

Examiner: Hasan Syed AHMED
Group Art Unit: 1615
Attorney Docket: 35682

REMARKS

This Request for Reconsideration is submitted further to an Advisory Action mailed September 1, 2009 in response to Applicant's arguments and amendment after Final filed on August 25, 2009 (hereinafter "the August amendment").

In the Advisory Action, the Examiner indicated that the August amendment would not be entered as the amendment raises new issues. Applicants are therefore filing a Request for Continued Examination (RCE) along with this request for reconsideration that enters and presents for consideration of the August amendment.

Claims 7-13 were cancelled in the August amendment. The remaining claims 1-6 were rejected in the Final Office Action under 35 U.S.C. §102(a) as being anticipated by Beaudry (US Patent No. 6,676,501).

The Advisory Action further indicated that Applicant's arguments filed with the August amendment do not place the application in condition for allowance because, as explained in the Final Office Action, the Beaudry reference discloses an abrasive pad comprising an abrasive surface, an elastomer backing slits and flaps at the remote end of the spongy material.

Applicants have argued in a previous response that Beaudry does not disclose the following recitation of old claim 1 "an elastomer or sponge material backing the abrasive surface and having an end remote from the abrasive surface; wherein the elastomer or sponge material is formed with two slits starting at edges of the spongy material and oriented substantially parallel to the abrasive surface near the remote end of the spongy material, such that flaps formed by the slits can be folded back to form a finger hold." (emphasis added). The backing surface in Beaudry is formed of two pieces adhesively coupled to each other, as shown in Figs. 1-3 and described in col. 3, lines 1-10. Thus, there are no slits in Beaudry's device.

In the Final Office Action, the Examiner stated that Beaudry reads on the quoted recitation of claim 1 since the claim fails to recite slits in the backing as they recite the elastomer or sponge material being formed with slits, and not that slits are formed in the backing.

In response to this rejection, applicants have amended claim 1 in the August amendment in accordance with the wording suggested by the Examiner to specifically recite that "two slits are formed in the elastomer or sponge material". The Examiner has


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not found slits formed in the backing material of the prior art. As stated above, no slits are formed in the backing material of Beaudry. Accordingly, it is submitted that claim 1 and its dependent claims are patentable over the art of the record. Dependent claims 2-6 are patentable at least by virtue of their patentable parent claim 1.

Applicants respectfully request, in view of the Examiner's arguments in his Final Action and in view of the above remarks, reconsideration and allowance of the claims as amended in the August amendment.

Respectfully submitted,



Paul Fenster,
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Date: September 24, 2009

Enclosure:

- Request for Continued Examination (RCE)